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**From:** Mutter, Andrew [mutter.andrew@epa.gov]  
**Sent:** 10/29/2020 3:44:34 PM  
**To:** R8 SLT [R8\_SLT@epa.gov]  
**Subject:** FW: EPA Enforcement Actions Help Protect Vulnerable Communities from Lead-Based Paint Health Hazards

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Newsroom.



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## EPA Enforcement Actions Help Protect Vulnerable Communities from Lead-Based Paint Health Hazards - 2020

**WASHINGTON** (October 29, 2020) – The U.S. Environmental Protection Agency (EPA) today highlighted 89 of its federal enforcement actions from October 2019 through September 2020 to ensure that entities such as renovation contractors, landlords and realtors comply with rules that protect the public from exposure to lead from lead-based paint. Exposure to lead in dust, chips or debris from lead-based paint can pose serious risks to human health, particularly for young children.

“Compliance with federal lead paint laws is essential to protect children across the country and is a priority for EPA,” **said EPA Assistant Administrator for Enforcement and Compliance Assurance Susan Bodine.** “We assure compliance through a variety of ways, including working with communities to increase understanding of lead paint hazards, stopping the proliferation of misinformation by targeting television renovation shows that broadcast violations, and creating deterrence with civil and criminal actions.”

EPA has designated the reduction of childhood lead exposures as a high priority as a high priority. The actions announced today support the agency’s continuing commitment to implement the Federal Action Plan to

Reduce Childhood Lead Exposures and Associated Health Impacts (Action Plan) issued by the Trump Administration in December 2018.

Regulations promulgated under the federal Toxic Substances Control Act (TSCA) and the Residential Lead-Based Paint Hazard Reduction Act (LHRA) apply to most pre-1978 dwellings and child-occupied facilities such as pre-schools and child-care centers. TSCA's Renovation, Repair and Painting (RRP) Rule and Lead-based Paint Activities Rule require contractor certification and lead-safe work practices. LHRA's Section 1018 Lead Disclosure Rule (LDR) requires disclosure of information about lead-based paint before the sale or lease of most housing built before 1978. By ensuring compliance with federal lead-based paint requirements, EPA can address a major source of lead exposure that occurs in communities across the nation.

Since the 1970s, the United States has made tremendous progress in lowering children's blood-lead levels. Lead exposure, however, particularly at higher doses, continues to pose a significant health and safety threat to children, preventing them from reaching their fullest potential for their health, intellect and future development. No safe level of lead exposure has been identified for children, making them particularly vulnerable and underscoring that anything you can do to reduce exposures can improve life outcomes.

Included in the highlighted FY2020 enforcement actions are EPA civil administrative proceedings, and judicial civil and criminal actions prosecuted by the U.S. Department of Justice. Enforcement actions require alleged violators to come into compliance with the law and, in most cases, to pay penalties. In determining the appropriate civil penalty amount, the agency considers a violator's ability to pay, ability to continue to do business, and other factors. In some of the settlements announced today, EPA reduced the penalty because the cases involved minor violations and/or small-scale businesses. Also, in some settlements the alleged violator agreed to perform projects to help prevent lead exposures.

**Selected highlights include:**

**Muhammad Ashraf (Pa.) paid a penalty of \$84,000 to settle alleged Lead Disclosure Rule (LDR) violations related to six residential lease agreements.** The alleged violations included failure to comply with LDR requirements to provide prospective tenants an EPA-approved lead hazard information pamphlet, a required Lead Warning Statement, and an appropriate statement disclosing knowledge of the presence of lead-based paint and/or lead-based paint hazards. A city referred this case to EPA because a child with a high elevated blood-lead level resided in one of the rental properties.

**Walter H. Clews (Md.), owner and principal manager of American Homeowner Services (AHS), pleaded guilty to three TSCA criminal counts** for causing his company's staff to certify target housing as "lead-free," when, in fact, the housing contained lead-based paint. AHS is a lead-based paint abatement services operation. The Maryland Department of the Environment (MDE), with EPA financial assistance, re-inspected more than 300 residences certified as lead-free by AHS and found that more than 100 of them contained lead-based paint. These inspections arose out of a complaint from a homeowner with young children who discovered that her property contained lead-based paint despite receiving a certification from AHS that it was lead-free. MDE referred the matter to EPA's Criminal Investigation Division, which found that one of AHS's inspectors routinely failed to properly inspect target housing, and that Clews and a company manager instructed the company's staff to generate and sign false lead-free reports on behalf of the inspector.

**Growing Days, LLC (Kan./Mo.), whose owner, Tamara Day, hosts HGTV's Bargain Mansions television show, entered into a settlement to resolve alleged Renovation, Repair and Painting (RRP) Rule violations** depicted on the show. After observing violations on the television show, EPA conducted on-site inspections and compliance monitoring activities. The settlement was conditioned upon the company's performance of several projects to promote broader awareness of and compliance with the RRP Rule. The projects included creation of an RRP instructional video, to be posted on the company's website and blog, and linked to its social media platforms, thereby reaching a large audience of potential future home renovators. EPA also obtained settlements with the following contractors associated with the Bargain Mansions show: Homoly and

Associates, Inc. Open Door Homes, Inc. (Kan./Mo.); Next Generation Construction, LLC (KS); Remco Demolition, LLC (Kan./Mo.); and KC Demo, Inc. (Mo.). Collectively, the businesses associated with the Bargain Mansions show, including Growing Days LLC, paid \$66,287 in penalties to settle alleged violations for improper renovations related to the show.

**Collegiate Entrepreneurs, Inc. (Mass.), a home painting company, was sentenced after pleading guilty** to one count of violating TSCA and one count of falsification of records. The company performed jobs subject to TSCA's RRP Rule. The Rule required the company to ensure that certified renovators complied with training, supervision, lead-safe work practices, post-renovation cleaning, recordkeeping and other requirements. In response to a federal grand jury subpoena, an employee produced records for 12 jobs, including records purportedly prepared and signed by certified renovators to document compliance. However, records for at least 10 of the jobs were false; signatures had been forged and the records falsely represented that the jobs were compliant. Collegiate Entrepreneurs was sentenced to pay a fine of \$50,000; serve five years of probation; abstain from RRP Rule-regulated projects while on probation; and pay \$30,000 in restitution to a victim homeowner.

**Aaron Wise (Pa.) was sentenced to two years of probation and ordered to pay \$1,596 in restitution** to four victims for falsely advertising himself as an EPA-certified lead trainer and making false statements to EPA. Wise was charged with making false statements regarding his name and employment qualifications in written correspondence with EPA. Wise gave a false name to EPA and misrepresented the nature of his background and training to make it appear that he was an accredited provider of EPA Lead Certification courses.

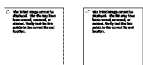
**Dennis Morgan (Pa.) was indicted by a federal grand jury** on three counts of violating TSCA for alleged failure to comply with the Lead Disclosure Rule for property in Sunbury, Pa. The indictment charged that Morgan failed to fulfill disclosure and recordkeeping obligations. The maximum penalty for each violation is one year of imprisonment, one year of supervised release, and a \$100,000 fine.

**Precision Consulting, Inc. and Wayne Gladney (N.Y.) were found in contempt of court** and subject to sanctions, starting at \$100 per day, doubling daily up to \$1000 per day, for violating the court's preliminary injunction order for alleged lead-based paint violations. Gladney is the company's principal and owner. The Federal District Court in the Eastern District of New York ruled that the defendants failed to comply with its civil preliminary injunction order. That order compelled the defendants to, among other things, abstain from lead-based paint renovations or abatements until they could demonstrate compliance, and to change the company's website to accurately reflect its certifications and capabilities. The case stems from EPA's civil complaint which alleged that the defendants had repeatedly violated lead-based paint requirements when performing lead paint abatements and a renovation in metropolitan New York City. The alleged violations included failure to comply with requirements to obtain EPA certification, assign a certified supervisor to oversee abatements, conduct post-abatement clearance procedures and ensure performance by a certified abatement worker.

To see additional highlights of FY2020 enforcement actions, visit: <https://www.epa.gov/enforcement/epas-lead-based-paint-enforcement-helps-protect-children-and-vulnerable-communities-2020>

To learn more about EPA's progress implementing the Action Plan and stories of on-the-ground work being conducted nationwide, visit: <https://www.epa.gov/leadactionplanimplementation>

Members of the public can help protect our environment by identifying and reporting environmental violations. Learn more here: <https://www.epa.gov/enforcement/report-environmental-violation-general-information>



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